

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM J. MUNDELL, JR.,	:	CIVIL ACTION NO. 1:15-CV-1975
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL, Acting	:	
Commissioner of Social Security,¹	:	
	:	
Defendant	:	

ORDER

AND NOW, this 12th day of April, 2017, upon consideration of the report (Doc. 12) of Magistrate Judge Joseph F. Saporito, Jr., recommending the court deny the appeal of William J. Mundell, Jr. (“Mundell”), from the decision of the administrative law judge denying his application for disability insurance benefits and supplemental security income, and the court noting that Mundell objects to the report, (Doc. 13), and the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 14) thereto, and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested

¹ Carolyn W. Colvin (“Colvin”) was Acting Commissioner of Social Security when the instant action was filed against her in her official capacity. On January 23, 2017, Nancy A. Berryhill succeeded Colvin as Acting Commissioner. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted as the defendant in this action. See FED. R. CIV. P. 25(d).

portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Saporito that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); see Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Saporito’s analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Mundell’s objections to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 12) of Magistrate Judge Saporito is ADOPTED.
2. The decision of the Commissioner of Social Security (“Commissioner”) denying the application for disability insurance benefits and supplemental security income of William J. Mundell, Jr. (“Mundell”) is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Mundell as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania